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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/622,902	07/17/2003	Daniel A. Gilbert	GILD102	2832
7590	12/14/2005		EXAMINER	
Joseph W. Holland HOLLAND & THIEL, P.C. PO Box 1840 Boise, ID 83701-1840			CAVALLARI, DANIEL J	
			ART UNIT	PAPER NUMBER
			2836	

DATE MAILED: 12/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/622,902	GILBERT, DANIEL A.
	<b>Examiner</b>	<b>Art Unit</b>
	Daniel J. Cavallari	2836

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 17 July 2003.  
 2a) This action is FINAL.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-24 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-24 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 24 July 2003 is/are: a) accepted or b) objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
     1. Certified copies of the priority documents have been received.  
     2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
     3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____ .
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ .	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____ .

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1, 11 and 18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In regard to Claims 1, 11, and 18

The claims recite the limitation of a “connector/conductor” which is confusing as it is unclear whether the backslash is meant to represent an “and” or an “or”. The claims will be examined as best understood to mean a “connector or conductor”.

In regard to Claims 11 & 18

The industry standard “IEC”, which is used throughout the specification and the claims, must be clearly cited in the specification. The citation of the standard should include the full name of the standard, the publishing body, and the date the standard was enacted. Because the specific IEC standard being referenced is not disclosed in the specification or the claims, the scope of the claims are indefinite.

The claims will be examined as best understood without the limitation of the IEC standard.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 3-5, 11, 13, 18, & 20 are rejected under 35 U.S.C. 102(e) as being anticipated by Sivertsen (US 6,875,059 B2).

Sivertsen teaches:

In regard to Claim 1, 3, 4, 11, & 18

A power cord switch adapter for an electronic appliance comprising:

- A switch housing (2) (See Figure 1B & Column 3, Lines 9-25)
- A switch (8) housed within the switch housing but assessable to a user (See Figures 1B, 2 & Column 3, Lines 43-56)
- A first conductor end (6) conductively connected to the switch comprising a male end power cord socket (See Figure 1B) and a connector (not shown) in which an IEC power input conductor connected to connector (6) is taught (See Column 3, Lines 9-42).
- A second connector end (8) conductively connected to the switch (8) comprising a female end power cord socket (See Figure 1B) and a conductor (not shown) in

which an IEC power output conductor connected to connector (4) is taught (See Column 3, Lines 9-42).

- An imaging device read on by a computer system and printer (See Column 1, Lines 25-28 & Column 2, Lines 2-7)

In regard to Claim 5, 13, 20

- The power cord switch further comprising a conductor connected between the switch (8A) and the second connector/conductor end (See component (2) of Figure 2) in which a conductor connects the switch (8A) to the socket (4).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2, 6-10, 12, 14-17, 19, 21, & 22-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sivertsen and Webster (2004/0017293 A1).

Sivertsen teaches a power cord switch adapter used to control the flow of power to an electronic appliance by a switch (8) operated by a user (See Column 1, Line 63 to Column 2, Line 17). Sivertsen fails to teach an attachment member connected to the switch housing for attaching the switch housing to an electronic appliance.

Webster teaches a control means (108) attached to an electronic device, read on by a television, by way of adhesive, loop and fastener, magnet, or mechanical fastener (See Paragraph 13 & 14). It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the fastening techniques used by Webster, and well known in the art, to attach control means of a device to an electronic appliance. The motivation would have been to locate the device in a convenient location (See Paragraph 13).

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Jenks (US 2002/0055306 A1) teaches a switch in series with male and female connector ends (See Figure 1)
- Gilbert (US 5,120,236) teaches a switch control attached using loop and hook in which to mount a power supply switch to a television (See Figure 2)
- Holcomb (US S4,659,161) teaches an adapter plug including male and female ends, an on/off switch (80) and cord (64) (See Figures 4 & 5)

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel J. Cavallari whose telephone number is (571)272-8541. The examiner can normally be reached on Monday-Friday 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Sircus can be reached on (571)272-2800 x36. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

DJC

December 7, 2005



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